

Notice of Allowability

Application No.

10/611,496

Examiner

Ives Wu

Applicant(s)

PFISTER ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/9/06.
2. ☒ The allowed claim(s) is/are 2,4-20,25-30,32-39,41 and 43-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 6/30/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

(1). Applicants' Amendments and Remarks filed on August 9, 2006 have been received.

Claims 1, 3, 21-24, 31, 40, 42 are cancelled. Claims 2, 4, 6, 8, 12, 16, 25, 26, 30, 32, 34, 36, 41, 43, 45 are amended.

The rejections of claims 1, 6-10, 12-15, 17-18, 20-24, 26-27, 29, 34-38, 40, 45-46 in the prior Office Action dated July 19, 2006 are withdrawn in response to the applicants' Amendments filed on August 9, 2006.

Allowable Subject Matter

(2). Claims 2, 4-20, 25-30, 32-39, 41 and 43-46 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The main reasons for allowing these claims is the thermal conductivity of at least 100 W/m-k for the adsorbent and the adsorbent comprising a carbon based foam monolith of a mesophase pitch-based graphite foam product. Neither prior art reference Sarkkinen (US004737164) nor Lagasse et al (US005902562A) discloses such carbon monolith adsorbent possessing the thermal conductivity greater than 100 W/m-K as well as comprising a mesophase pitch-based graphite foam product as claimed by applicants.

Other related prior art reference identified by Examiner is "High Thermal Conductivity, Meso-phase Pitch-Derived Carbon Foam" by James Klett, Proceedings of the 1998 43rd Int'l SAMPE - Symposium and Exhibition, Part 1 of 2, 1998. James Klett discloses the high thermal, conductivity, meso-phase pitch-derived carbon foam with an extremely high bulk thermal conductivity, > 100 W/mK. However, it is used in carbon fibre application, there is no indication for this meso-phase pitch-derived carbon foam to be used in gas separation as an adsorbent as recited in the publication of James Klett.

As of the date of this Notice of Allowability, the Examiner has not located or identified references that can be used singularly or in combination with another reference including the prior art references cited hereinabove.

Art Unit: 1724

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ives Wu whose telephone number is 571-272-4245. The examiner can normally be reached on 8:00 - 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Ives Wu

Art Unit: 1724

Date: October 3, 2006


10-3-06